

DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

**COMMISSIONER OF THE DEPARTMENT
OF LICENSING & CONSUMER AFFAIRS,
GOVERNMENT OF THE
VIRGIN ISLANDS,**

Plaintiffs,

v.

**PEPSICO, INC., PEPSICO
CARIBBEAN, INC., THE COCA-COLA
COMPANY, CC ONE
VIRGIN ISLANDS, LLC,**

Defendants.

1:25-cv-00024-WAL-EAH

**TO: Jalicha Persad, Esq.
Andrew C. Simpson, Esq.
Chad C. Messier, Esq.**

ORDER

THIS MATTER comes before the Court on the Uncontested Motion to Extend Deadline to Respond to the Complaint, filed on May 23, 2025 by Defendants PepsiCo, Inc., PepsiCo Caribbean, Inc., and The Coca-Cola Company (the “moving Defendants”). Dkt. No. 18. In the motion, the moving Defendants seek to extend the deadline to respond to the Complaint in this matter, and also move on behalf of Defendant CC One Virgin Islands, LLC., that has not yet appeared but asked the parties to seek an extension of its behalf as well. *Id.* Plaintiffs have consented to the relief requested in the motion. *Id.*

The moving Defendants state that Plaintiffs filed their Complaint in the Superior Court of the Virgin Islands on April 11, 2025. Dkt. No. 1-2. Defendants PepsiCo Inc. and PepsiCo Caribbean, Inc., with the consent of The Coca-Cola Company and CC One Virgin

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Islands LLC, timely removed the action to this Court on May 19, 2025. Dkt. No. 1. Plaintiffs advised the moving Defendants' counsel that there was a "high probability" that they would move to remand. They would have 30 days to do so from the date of removal. Dkt. No. 18 at 1-2. The moving Defendants further explain that it will take some time for them to properly investigate the allegations in the 43-page Complaint and prepare an appropriate response. In addition, because of procedural differences between District Court and Superior Court, their responses may differ depending on which court ultimately presides over the action. *Id.* at 2.

The moving Defendants also assert that allowing the parties and the Court to focus on any motion to remand before turning to the merits would conserve energy and judicial resources. Consequently, the parties have agreed, subject to the Court's approval, that the deadline for the Defendants to respond to the Complaint would be extended to the later of: (1) July 18, 2025, 60 days from the May 19, 2025 date of removal (applicable if the Plaintiffs do not timely move for remand); or (2) 30 days after the disposition of any motion to remand filed in this Court (applicable if Plaintiffs timely move to remand). *Id.* The Uncontested Motion to Extend Deadline is timely, and the moving Defendants have shown good cause for the extension. *Id.*

The Court will grant the motion in part, and will extend the deadline for Defendants to answer or otherwise respond to the Complaint to July 18, 2025. The Court will deny the motion in part to the extent that the parties ask the Court to set the deadline for Defendants'

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response to the Complaint 30 days after the disposition of a motion to remand, if Plaintiffs file such a motion. The Court is not prepared at this time to provide an open-ended deadline for Defendants to respond to the Complaint based on the possibility that Plaintiffs will file a motion to remand. At this point, no such motion to remand has been filed; if one is filed, the Defendants will be permitted to revisit the issue of an extension if they wish.

Accordingly, it is hereby **ORDERED**:

1. The Uncontested Motion to Extend Deadline to Respond to the Complaint, filed on May 23, 2025 by Defendants PepsiCo, Inc., PepsiCo Caribbean, Inc., and The Coca-Cola Company, Dkt. No. 18, is **GRANTED IN PART AND DENIED IN PART**.
2. The motion is **GRANTED** to the extent that Defendants shall have up to and including **July 18, 2025** to answer or otherwise respond to Plaintiffs' Complaint.
3. The Motion is **DENIED** to the extent that the Court declines to grant Defendants' an open-ended extension to answer or otherwise respond to Plaintiffs' Complaint should the Plaintiffs file a motion to remand, given that no such motion has yet been filed.

ENTER:

Dated: May 27, 2025

/s/ Emile A. Henderson III
EMILE A. HENDERSON III
U.S. MAGISTRATE JUDGE